

Minutes of the Land Use, Parks and Environment Committee - May 17, 2005

The meeting was called to order at 8:45 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings, Scott Klein, Bill Kramer, Daniel Pavelko, Vera Stroud, Pauline Jaske

Staff Present: Legislative Policy Advisor Mark Mader, Legis. Associate Sandra Meisenheimer

Also Present: Parks and Land Use Director Dale Shaver, Parks System Mgr. Jim Kavemeier, Planning & Zoning Mgr. Dick Mace, County Executive Chief of Staff Allison Bussler, DNR Representatives: Jim Morrissey, Regional Land Services Supervisor for the Southeast Region; Tom Blotz, Government Outreach Supervisor; Dave Dahms, Public Access Coordinator; Chairman Jim Dwyer, County Board Supervisors Andy Kallin, Mareth Kipp, Bonnie Morris, Duane Stamsta, Barbara Roncke, Rodell Singert, and Dave Swan

Public Present: Jerry P. Heine of Hartland and North Lake Management District (NLMD), Sam Bradt of Chenequa and NMLD, Bronson Haase (Chairman of Public Access Committee for NMLD), and Steve Brink of North Lake and NLMD, Richard Morris (Town of Merton Chairman), Tim Tyre (Board Member of Village of Chenequa and North Lake resident), William P. O'Connor of Coalition for a Responsible North Lake Access, Dwight Osmon of Hey and Associates, Don Reinbold of Brookfield and North Lake, Mike Derenne of Waukesha, Bryan Waltersdorf of Hartland, Robert Feulner of Oconomowoc, Jim Schneider of North Lake, Thomas Peters of Town of Merton, Linda Schneider of North Lake, Mary Alice Eschweiler of North Lake, Dan Prodoehl of North Lake, Arthur Seidel of Brookfield / the Wisconsin Wildlife Federation / Waukesha County Conservation Alliance, Don Camplin of Dousman and Waukesha County Conservation Alliance, Tom Howell of Hartland, Al Bohachek of Hartland and Waukesha County Conservation Alliance, Ted Lynn (President of Wis. Council of Sport Fishing and on Executive Council for Wis. Congregation of Counties), and Colleen Hulen of Hartland

Approve Minutes of April 19, 2005

Motion: Kramer moved, second by Klein, to approve the minutes of 4/19/05. **Motion carried 7 – 0.**

Read Correspondence

Kolb addressed the following items:

1. Letters written in support of the Kuchler site for the North lake public boat launch: State Rep. Dan Vrakas, State Senator Ted Kanavas, Daniel Burkwald of North Lake Management District, State Rep. Don Pridemore, and John Uelmen of Great Lakes Boating Federation.
2. Emails in support of the Kuchler site: Lori Schneider, Peg Behrndt, Donald Reinbold, William Kessler, and Bill and Suzanne Timmer.
3. Email from Elaine Kraus regarding where she parks when using North Lake.
4. Dale Shaver's response to Daniel Burkwald of North Lake Management District.

Consider Proposed Ordinance: 160-O-012 North Lake Access Partnership Grant

Kolb explained how the meeting would proceed. County staff will go first, second – DNR (Jim Morrissey), third – North Lake Management District (NLMD), fourth - public comment, and lastly the DNR will answer questions. Kavemeier began with a PowerPoint which consisted of a site overview, a location map of the proposed North Lake access, the recommended open space preservation element of the Waukesha County Development Plan, an aerial photo of the Kraus property, a site inventory map of the Kraus property, and general information about the Kraus property. The property size is 6.5 +/- acres, the purchase price is \$1,125,000 (State of Wisconsin contribution is \$925,000; Waukesha

County contribution is \$200,000), the appraised value is \$800,000 and price per acre (purchase price is \$173,077 per acre; appraised price is \$120,077 per acre). Kavemeier stated that the county's grant is based on 25% of the appraised value of the property (\$800,000). He stated that the Kraus property would implement the county's Park and Open Space Plan. Site attributes include: 1) provides access to North Lake, 2) does contain primary environmental corridor, 3) has wetlands and woodlands within the property, and 4) non-hydric soils are at the launch site.

Morrissey of the DNR stated they are here today to support the staff request for partnering in the acquisition of the Kraus property on North Lake. He (Blotz and Dahms assisted) gave a PowerPoint presentation (copy filed in the committee correspondence book) and covered facts supporting the proposal, North Lake statistics, history of access, access standards, property acquisition, Kraus property facts, overview map of Kraus property, DNR proposed development at the site, proposed boat launch draft design showing parking lots, new launch and boarding pier; North Lake budget (\$349,624 total), site attributes, views of roads, and previous partnerships between the DNR and Waukesha County.

Morrissey stated they believe they can develop the site without impacting any wetlands in the area by utilizing the existing footprint of the road. If the design shows otherwise they think that there is adequate side space for a pull off and a one-way through the wetlands area that will not impact any use of the facility at the lake or obstruct movement of ingress/egress along the road.

Questions by the committee followed. Kolb asked what is the status of the offer on the Kraus property? Morrissey said they have recently contacted Tom and Elaine Kraus and an extension of the option has been executed through June 15, 2005. Cummings asked if Waukesha County does not accept the Kraus Property, does that mean the DNR would not accept an alternative boat launch? Morrissey said the department proposal is in the governor's office, and the governor has directed department staff to enter into discussion with the county in providing \$200,000. The governor has the option to sign the approval for the Kraus property and proceeding or he can deny the approval or direct department staff to pursue other alternative funding options. To Stroud's question, Morrissey said the Kraus property provides a better facility layout for users of the site, and there also is a minimum amount of environmental concerns. Jaske asked if the governor approves this, do you automatically go ahead? Morrissey said if the governor approves this, they will proceed with the development of the Kraus site even if Waukesha County does not approve it.

Comments by the North Lake Management District (NLMD) followed. Jerry Heine of Hartland and Chairman of NLMD spoke in favor of an alternative site (Kuchler property) and against the Kraus property. He said they have a binding offer to purchase the Kuchler property which is immediately across the lake from the Kraus property. In 2004 an offer of \$400,000 was accepted by Jim Kuchler. There was a study done and it was determined that the Kuchler property is a better site because it is in a commercial area and right next to an area that has been a public access site for years and years, it is easily accessible from Highway 83, and there is plenty of parking in the area. Jaske asked how long is the binding contract for? Heine said it expires June 1, 2005, and they are working on an extension. He distributed copies of the Journal Sentinel article of May 16, 2005 entitled "DNR should bend on site."

Other comments made by the North Lake Management District (NLMD) who are in favor of the Kuchler site followed. Dwight Osman (appearing on behalf of NLMD) is a water resource planner for Hey and Associates. He spoke about potential environmental impacts and distributed a map of the area

and a handout entitled "Potential environmental impacts of Kraus property and Kuchler property for proposed boat launch facilities." Steve Brink (NLMD and resident of North Lake) – conducted public access petition in January, Richard Morris (Town of Merton Chairman), Tom Tyre (Board Member of Village of Chenequa and North Lake resident), Sam Bradt (NMLD) – distributed a handout on estimated cost comparisons of both sites, and Bronson Haase (Chairman of Public Access Committee for NMLD) – distributed letter from Mark Mickelson of Yaggy Colby Associates with a copy of the site plan for a potential boat launch located on the Kuchler property.

Cummings said why wouldn't the governor and the DNR support the Kuchler site if it costs less and the only negative is five less parking spaces. Pavelko asked would there be overflow parking near the Kuchler site? Richard Morris (Town of Merton Chairman) said it would have to be on private land which could probably be arranged.

William P. O'Connor spoke on behalf of the Coalition for Responsible North Lake Access who is in favor of the Kraus site. He distributed a letter written to Chair Kolb and the LUPE Committee along with a petition (74) regarding their support of the Kraus site. He also distributed copies of Community Assistance Planning Report No. 54, A Water Quality Management Plan for North Lake, July 1982.

Shaver said there has been a lot of discussion about the technical merits of the site. Department staff has examined the shoreland code and have compared the two sites. There are site issues brought on by the county code that need to be understood.

The following spoke in favor of the Kuchler site: Don Reinbold of Brookfield and North Lake, Mike Derenne of Waukesha, Robert Feulner of Oconomowoc, Jim Schneider of North Lake, Thomas Peters of Town of Merton, Mary Alice Eschweiler of North Lake, and Colleen Hulen of Hartland.

The following spoke in favor of the Kraus site: Arthur Seidel of Brookfield / Wisconsin Wildlife Federation / Waukesha County Conservation Alliance, Don Camplin of Dousman and Waukesha County Conservation Alliance, Tom Howell of Hartland, Al Bohachek of Hartland and Waukesha County Conservation Alliance, and Ted Lynn, President of Wis. Council of Sport Fishing and on Executive Council for Wis. Congregation of Counties.

Morrissey said the Stewardship Funding is for the acquisition of the Kraus property and already is numerated within this past year. It's not like the money will be lost. The money will either be spent here or somewhere else in the State on acquisitions. He also thinks both sites are fairly comparable from a cost per acre basis. It just so happens that the Kraus property is 6.6 acres at \$170,000 and the Kuchler site is 2 ½ to 3 acres at \$144,000 per acre, which is close. One other issue is the wetlands at the mouth of the Oconomowoc River. Morrissey agrees they are very valuable, and they may have funding for the renovation of some of those wetland areas because they are at the mouth of a significant river in the county. They did make a videotape of each of the sites that is available in the Parks and Land Use Department to anyone interested. Morrissey said some of the environmental concerns of the Kuchler site are with the wetlands and groundwater impacts (number of springs on Kuchler site); shallowness and dredging requirements; extensive future maintenance activities that would be required from a dredging standpoint; as well as soil characteristics may not be conducive to establishing a facility at the Kuchler site (a lot of groundwater in the area). Regarding the sandbars, they have never seen any data or documentation on it. Regarding the safety issue, the development of NR 1.91, the access code, addresses the use and the safety issues on the lake. Tom Blotz of DNR

spoke on the access code. Morrissey closed by saying that when all the factors are considered the department feels the Kraus site is the best option for public access on North Lake, because of the environmental effects, total construction costs, future operations, and maintenance costs.

Additional questions and discussion followed by the committee and other county board supervisors in attendance (Cummings, Jaske, Swan, Stamsta, Kipp, Kallin, and Pavelko). Jaske asked about the dam that was removed. She said it sounds like it created a problem. What would it cost to put the dam back in? Morrissey said he doesn't have any background information on that. Jaske also questioned the estimate on the road. She said she has never seen a road that was built in the county for \$175,000. Morrissey said that estimate is from a cost estimate worksheet prepared this year (2004 figures) by the State Department of Administration for the development of activities.

Stamsta said you mentioned the road coming off of Reddelien Road. Will it only be one lane all the way down to the parking lot? Morrissey replied no. It will be two lanes from Reddelien Road until it hits the wetland area, and then it will be evaluated as to continuing the two lanes through the wetland area.

To Cummings' concern regarding the safety issues with the road, Morrissey said the road on the Kraus site would be designed to a standard so that it can be accessed. They will design and build a road that is adequate for safety equipment. Cummings said the response time in any emergency is critical and what she has heard from the neighbors and Dr. Tyre is that the access from the county road to the Kuchler site is shorter. To Jaske's question regarding the spawning of fish at the Kraus site, Morrissey responded they don't think the disturbance of the sandbar is critical to fishing or the fish population.

Shaver talked generally about the site conditions. He said the Parks and Land Use Department has been involved in discussions concerning access to North Lake for several decades. From a general planning standpoint, the Kuchler site makes a lot of sense but you can't stop there. Both sites fall under the Waukesha County Shoreland and Floodland Protection Ordinance. He said they will show what they think are permitting implications for access onto North Lake. Kavemeier gave a PowerPoint overview of the Kuchler site: primary environmental corridor, floodway map, and Kuchler site information (2.8+ acres, cost: \$400,000; \$142, 857 per acre; implements Park and Open Space Plan; and site attributes).

Mace went on to show several different topographical maps of both the Kuchler and Kraus sites and covered floodplains/wetlands, zoning of area, roadways, parking, public access for ice fishing, soils, dredging, etc. Mace and Shaver reviewed many different analyses of both sites. Shaver stated that the wetlands will need to be rezoned on the Kuchler site but do not need to be rezoned on the Kraus site under the shoreland code. Mace said both sites would require a conditional use from the county. The Town also would require conditional uses so the county will work in concert with the Town as to whatever site is chosen. Mace said the access road was not an issue with the Kraus site as there are plenty of highlands to improve it for emergency vehicle passage.

Kolb asked Shaver if he discussed with the DNR or with the Village President of Chenequa and the Town Chairman of Merton on ways to work out the Kuchler property versus the Kraus property? Shaver said it did concern him. The Village of Chenequa has jurisdiction around the lake but both sites are outside of their municipal boundaries. He did spend time talking with representatives of the Town and in talking to the Town planner he was not asked to look at the site before the Town decided

to support the Kuchler site. Shaver said based upon his information it is his understanding that the Town and probably a lot of other people including the Parks and Land Use Department would love to go with the Kuchler site but he doesn't believe the Kuchler site will work. Questions and discussion by the committee and others continued by County Board Supervisors Klein, Cummings, Singert, Pavelko, Swan, Dwyer, and Stroud. Klein said he has a hard time imagining that the access road is going to be built through that woodland (steep slope on one side; wetlands on the other). In looking at the pictures, he thinks a lot will be destroyed. He stated there is one proposal before us, and he isn't wild about it. It doesn't seem to work very well. He hasn't been convinced. Morrissey said you are never going to find the perfect site on any lake. In fact, when looking for a public access, most of the good properties around a lake have been taken by residential development.

Motion: Kramer moved, second by Jaske, to approve Ordinance 160-O-012. **Motion defeated 0 – 7.**

Consider Proposed Ordinance: 160-O-015 Acceptance of Year 2005 Multi-Jurisdictional Comprehensive Planning Grant

Motion: Kramer moved, second by Cummings, to approve Ordinance 160-O-015. Shaver briefly explained the ordinance, which authorizes the acceptance of an \$812,300 cooperative multi-jurisdictional comprehensive planning grant from WisDOA for the purpose of updating the Comprehensive Development Plan for Waukesha County. Twenty-seven municipalities and SEWRPC will be participating in this planning process. **Motion carried 7 – 0.**

The committee recessed at 12:25 p.m. and reconvened at 1:07 p.m.

Consider Proposed Resolution: 160-R-003 Amend the Regional Water Quality Management Plan for the Village of Mukwonago, Waukesha County, Wisconsin

Motion: Jaske moved, second by Kramer, to approve Resolution 160-R-003. Mace stated that the area proposed to be added to the Mukwonago sanitary sewer service area encompasses a 4.6-acre parcel located along the north side of Edgewood Avenue in the Town of Vernon. The subject area does not include any environmentally significant lands, and is currently in residential use, occupied by a single-family home. The subject area would be redeveloped in conjunction with a planned residential condominium project on lands to the west and would accommodate about 28 housing units. The proposed addition of 4.6 acres represents an increase in the planned sewer service area of less than 1 percent. **Motion carried 7 – 0.**

Consider Proposed Resolution: 160-R-004 Amend the Regional Water Quality Management Plan for the Village of Dousman, Waukesha County, Wisconsin

Mace said this addition is in the Village of Dousman and also relates to Ordinances 160-O-010 and 160-O-011. The area proposed to be added to the Dousman sanitary sewer service area encompasses 64 acres located east of Gramling Lane in the Village of Dousman. The area includes 18 acres of primary environmental corridor and 2 acres of farmed floodplain. The remainder of 44 acres, currently in agricultural use, is anticipated to be developed for residential use to accommodate 70 housing units with a population of about 180 persons. The proposed addition of 64 acres represents an increase in the planned sewer service area of about 3 percent.

Motion: Kramer moved, second by Pavelko, to approve Resolution 160-R-004. Mace said there was an issue of where the sewer line will go to connect with property in the existing sewer lines in the

Village of Dousman. Mace said he didn't know exactly where it was going but he surmises it will go around to the north and then come down Gramling. However, it will have to go through the Town of Summit who will have to grant approval. **Motion carried 7 – 0.**

Consider Proposed Resolution: 160-R-005 Amend the Regional Water Quality Management Plan for the City of Oconomowoc, Waukesha County, Wisconsin

Motion: Kramer moved, second by Cummings, to approve Resolution 160-R-005. Mace stated this is a very small change but it had to be made nevertheless. A permit was issued conditioned upon the sewer service amendment being approved for the Rustic Inn (old Mapleton Inn). They have a holding tank which exceeds 3,000 gallons per day. The City of Oconomowoc will be accepting the sewage from the expanded facility. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 160-O-009 Amend the Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code for the Town of Oconomowoc by Conditionally Rezoning Certain Lands Located in Part of the NE ¼ of Section 1, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-P Agricultural Land Preservation District to the A-1A Agricultural District (CZ-1519A)

Mace said this was a plan amendment a few years ago and then there was a rezone of the property. A number of conditions were also imposed in 2004. The proposed land use is for four, single-family residential parcels (one acre in size each) and farmland. The property is located 600 ft. west of the 90-degree bend of Townline Road and is approximately 20.69 acres in size. The Planning staff is recommending approval subject to three conditions as detailed in the ordinance.

Motion: Kramer moved, second by Jaske, to approve Ordinance 160-O-009. **Motion carried 6 – 1, Cummings voting no.**

Consider Proposed Ordinance: 160-O-010 Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map in the Village of Dousman by Conditionally Rezoning Certain Lands Recently Annexed and Located In Part of the N ½ of Section 4, T6N, R17E, Village of Dousman, from the RRD-5 Rural Residential Density District 5 and A-E Exclusive Agricultural Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts (SVZ-1554)

Mace explained the rezoning. The proposed land use is for 80 single-family residential lots and 4 outlots in the Settlement at Utica Lake Subdivision. The properties are located east of Gramling Lane, immediately north of Scuppernong Creek and adjacent to the west shore of Utica Lake, which contains approximately 54.84 acres of which approximately 30 acres will be rezoned. The Planning staff is recommending approval subject to six conditions as outlined in the ordinance.

To Klein's question about two public hearings, Mace said the second hearing was for the floodplain rezoning which just dealt with the floodplain issues. Kramer asked why did three Park and Planning Commission members vote no at the meeting of January 13, 2005? Mace said it appears that was because the sewer was going under the lake, but he doesn't believe that will happen now. Regarding the map on Page 16, Mace said that map should be disregarded.

Motion: Pavelko moved, second by Kramer, to approve Ordinance 160-O-010. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 160-O-011 Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map in the Village of Dousman, by Conditionally Rezoning Certain Lands Recently Annexed and Located in Part of the N ½ of Section 4, T6N, R17E, Village of Dousman, from the RRD-5 Rural Residential Density District 5 and A-E Exclusive Agricultural Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts (SVZ-1554A)

Mace explained the ordinance. The properties are located east of Gramling Lane, immediately north of Scuppernong Creek and adjacent to the west shore of Utica Lake, and consist of approximately 2 acres. The Planning staff is recommending approval subject to four conditions as outlined in the ordinance.

Motion: Kramer moved, second by Pavelko, to approve Ordinance 160-O-011. **Motion carried 7 – 0.**

Motion to adjourn: Kramer moved, second by Klein, to adjourn the meeting at 1:54 p.m. Motion carried 7 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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